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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/190,129	11/12/1998	JOSEPH M. CANNON	CANNON36-37-	6291

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EXAMINER
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GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/190,129

Applicant(s)

CANNON ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 1, 3-6, 8-14 and 15** are rejected under 35 U.S.C. 102(e) as being anticipated by Kasiviswanathan (US 6,215,857 B1).

Regarding **claim(s) 1**, Kasiviswanathan discloses a voice messaging system (FIG. 2 and column 1, lines 9-15), comprising:

an analog telephone line interface (200 on FIG. 2);

a voice recorder/playback module (240 on FIG. 2);

a controller adapted to control functions of the voice messaging system (210 on FIG. 2);

a ring signal bypass module adapted to detect a presence of an analog non-ring signal initiated by a caller without prompt utilizing the analog telephone line interface indicating a presence of an incoming call, and to cause the voice message system to direct the incoming call to the voice recorder/playback module without an audible ring signal to announce the incoming call by the system (column 4, lines 7-21).

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Regarding **claim(s) 3**, Kasiviswanathan discloses a voice messaging system as telephone-answering device (240 on FIG. 2).

Regarding **claim(s) 4, 8 and 12**, Kasiviswanathan discloses all the limitations of **claim(s) 4, 8 and 12** and furthermore Kasiviswanathan disclose answering the incoming call by the voice messaging system without an audible ring signal to announce the incoming call by the voice messaging system (column 4, lines 7-21).

Regarding **claim(s) 5 and 9**, Kasiviswanathan discloses playing an outgoing greeting message to a caller associated with the incoming call without requiring reception of any ring signal relating to the incoming call (column 4, lines 7-21); and allowing the caller to record a voice message (column 4, lines 7-21).

Regarding **claim(s) 6, 10 and 13**, Kasiviswanathan discloses allowing a caller associated with the incoming call to record a voice message without requiring reception of any ring signal relating to the incoming call (column 4, lines 7-21).

Regarding **claim(s) 11 and 14**, Kasiviswanathan discloses inputting a request for a transmission of the analog non-ring signal from a calling party's telephone (column 4, lines 7-21).

Regarding **claim(s) 15**, Kasiviswanathan discloses the request is entered by the calling party before a telephone number of the called party is dialed by the calling party (column 4, lines 7-21).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claim(s) 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kasiviswanathan in view of Koyama (US 5,894,505).

Regarding **claim(s) 2**, Kasiviswanathan as applied to **claim(s) 1** above differs from **claim(s) 2** in that it fails to disclose the analog telephone line interface is adapted to detect a line reversal on the telephone.

However, Koyama teaches the analog telephone line interface is adapted to detect a line reversal on the telephone (column 10, lines 16-20).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brown by adding the exchange as taught by Koyama.

The modification will allow the capability of the line reversal signal such that the system would enable the caller to selectively either leaves a message or ring the called telephone.

### ***Response to Arguments***

7. Applicant's arguments with respect to **claim(s) 1-6 and 8-15** have been considered but are moot in view of the new ground(s) of rejection.


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**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**GERALD GAUTHIER**  
**PATENT EXAMINER**

Gerald Gauthier  
Examiner  
Art Unit 2645

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December 26, 2005